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shall include a permission for the laboratory to furnish a complete test report together with a description of the quality control procedures to the Commandant, U.S. Coast Guard.

(b) The U.S. Coast Guard will review the test report and quality control procedures to determine if the approval requirements have been met. If this is the case, the Commandant will notify the laboratory that the material is approved and that when the material is listed and labeled it may be marked as being U.S. Coast Guard approved. Notice of U.S. Coast Guard approval will be published in CG-190.

(c) If disagreements concerning procedural, technical or inspection questions arise over U.S. Coast Guard approval requirements the opinion of the Commandant shall be requested by the laboratory.

(d) The manufacturer may at any time request clarification or advice from the Commandant on any question which may arise regarding manufacturing and approval of approved devices.

[CGFR 70-143, 35 FR 19967, Dec. 30, 1970]

§ 164.012-15 Termination of listing and labeling.

(a) Listing and labeling as an interior finish acceptable to the Commandant as approved may be terminated, withdrawn, canceled, or suspended by written notice to the recognized laboratory from the Commandant, or by written notice to the manufacturer from the recognized laboratory or from the Commandant.

(b) The condition which may be the cause for termination of listing and labeling may be any of the following:

(1) When the manufacturer does not desire to retain the service.

(2) When the listed product is no longer being manufactured.

(3) When manufacturer's own program does not provide suitable assurance of the quality of the listed and labeled product being manufactured.

(4) When the product manufactured no longer conforms to the current applicable requirements of the U.S. Coast Guard and the recognized laboratory.

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(5) When service experience or laboratory or U.S. Coast Guard reports indicate a product is unsatisfactory.

[CGFR 70-143, 35 FR 19967, Dec. 30, 1970]

Subpart 164.013—Foam, Unicellular Polyethylene (Buoyant, Slab, Slitted Trigonal Pattern)

SOURCE: CGD 95-028, 62 FR 51216, Sept. 30, 1997, unless otherwise noted.

§ 164.013-1 Scope.

(a) This subpart contains performance requirements, acceptance tests, and production testing and inspection requirements for polyethylene foam used in the construction of personal flotation devices (PFDs) approved under part 160 of this subchapter. Manufacturers shall also comply with the requirements of subpart 164.019 of this chapter.

(b) All polyethylene foams accepted under this subpart are non-standard components. Acceptance of polyethylene foam prior to being incorporated into finished PFDs, or during the course of manufacture, shall in no case be construed as a guarantee of the acceptance of the finished PFD.

§ 164.013-2 Incorporation by reference.

(a) Certain materials are incorporated by reference into this subpart with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the FEDERAL REGISTER and the material made available to the public. All approved material incorporated by reference may be inspected at the National Archives and Records Administration (NARA), and at the U.S. Coast Guard, Lifesaving and Fire Safety Division (CG-ENG-4), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the source indicated in paragraph (b) of this section. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/

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code_of_federal_regulations/ibr_locations.html.

(b) The materials approved for incorporation by reference in this subpart, and the sections affected are as follows:

UNDERWRITERS LABORATORIES (UL)

Underwriters Laboratories, Inc., P.O. Box 13995, Research Triangle Park, NC 27709-3995 (Phone (919) 549-1400; Facsimile: (919) 549-1842).

UL 1191, Standards for Components for Personal Flotation Devices, May 16, 1995—164.013-3; 160.013-5.

1(c) *Copies on file.* Copies of the specifications and letter of acceptance shall be kept on file by the manufacturer.

[CGD 95-028, 62 FR 51216, Sept. 30, 1997, as amended at 69 FR 18803, Apr. 9, 2004; USCG-2009-0702, 74 FR 49238, Sept. 25, 2009]

§ 164.013-3 Material properties and workmanship.

(a) *General.* The unicellular polyethylene foam shall be all new material complying with the requirements outlined in this specification. Unicellular polyethylene foam must comply with the requirements of UL 1191, sections 24, 25, and 26 and its assigned Use Code. Thickness tolerances of the foam must permit the manufacture of PFDs complying with their required buoyancy tolerances.

(b) *Use Codes 4BC, 4H.* Each foam which has a C-factor of at least 94 according to UL 1191 may be assigned Use Codes 4BC and 4H.

(c) *Use Codes 2, 3, 5R.* Each foam which has a V-factor of at least 85 according to UL 1191 may be assigned Use Codes 2, 3, 5R (recreational use applications).

§ 164.013-4 Samples submitted for acceptance.

Application samples. A product sample submitted for acceptance as required by § 164.019-7(c)(4) must consist of at least one square foot by the thickness of foam produced.

§ 164.013-5 Acceptance tests.

Manufacturers shall ensure that the performance and identification tests described in UL 1191, as appropriate, are performed on a minimum of five samples in each of the lightest and darkest colors submitted for accept-

ance by a recognized laboratory accepted under § 164.019.

§ 164.013-6 Production tests, inspections, and marking.

Manufacturers shall provide in-plant quality control of polyethylene foam in accordance with the requirements of § 164.019-13 and any requirements of the recognized laboratory. The manufacturer of the foam has primary responsibility for quality control over the production of the foam.

§ 164.013-7 Marking.

(a) *General.* The manufacturer must ensure that each shipping label, and each unit of put-up, is permanently and clearly marked in a color which contrasts with the color of the surface on which the marking is applied. Each label must be marked with—

(1) The manufacturer's or supplier's name, trade name, or symbol;

(2) The unique style, part, or model number of the material;

(3) The thickness of the material;

(4) The lot number of the material; and

(5) The product Use Code or Codes.

(b) Each unit of put-up must be marked with the appropriate recognized laboratory's certification marking(s).

Subpart 164.015—Plastic Foam, Unicellular, Buoyant, Sheet and Molded Shape

SOURCE: CGFR 65-37, 30 FR 11593, Sept. 10, 1965 unless otherwise noted.

§ 164.015-1 Applicable specifications and standards.

(a) *Specifications.* The following specification and standard, of the issue in effect on the date the plastic foam material is manufactured, form a part of this subpart:

(1) Military specification:

MIL-F-859—Fuel Oil, Boiler.

(2) Federal specification:

C-C-91—Candle illuminating.

(3) Federal standard:

Standard 601—Rubber: Sampling and Testing.